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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,209	06/20/2003	Dhananjay V. Keskar	042390.P16126	9022

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EXAMINER	
SMITH, CREIGHTON H	

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
04/27/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/600,209	KESKAR ET AL.	
	Examiner	Art Unit	
	CREIGHTON SMITH	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *amendment filed on 14 Apr '11*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-7,9,10,12-14 and 16-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-2, 4-7, 9-10, 12-14, 16-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 10, 12-14, 16-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent basis in claims 10 and 17 for "the mobile device."

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10, 12-14, 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bork et al in view of O'Neil et al.

Examiner notes applicant's argument that O'Neil does not teach or suggest a mobile device generating an alert in response to an input. Examiner does not see that exact phrase in claims 10 & 17, rather a processing apparatus and an article of manufacture. The claim does not state where all this user context information is stored, in the phone or somewhere else like a server. Nonetheless, O'Neil et al does disclose in P.0076 that their Personal Information Manager 164 keeps a customer's calendar notifying him of appointments, meetings, deadlines, etc. For applicant to infer that O'Neil et al generation of alerts is "deferred" appears to be conjecture because the signaling that would go from a server to a mobile communications device would probably be of an infinitesimal time frame, and therefore not "deferred."

Bork et al wireless communication device has an intelligent alerting system, col.3, lines 34-36. The wireless device has an alerting system that is determined from the operating environment. The terminal's CPU will adjust the audio, visual, and tactile alerting signals based on a user's "physical context information," col. 2, lines 4-6 & 57-65, where Bork et al disclose that the wireless device samples the noise levels surrounding the terminal and other inputs such as light, temperature, and motion sensing and the date. Bork et al sampling of the light, temperature, noise, and motion reads on applicant's physical context information in P.0010, lines 6-9.

Bork et al also disclose that the user's location information is input into the wireless in order to devise an optimum alert sequence where they state that one of the inputs can be a local network ID, col. 2, lines 58 & 61; col. 6, line 61; col. 7, line 55; col. 10, lines 4 & 5. In col. 8, lines 30-40, Bork et al disclose that the ***position*** of the wireless device can be determined by a GPS receiver located within the wireless device 200, or alternatively the position of the wireless handset could be determined through a control channel. In lines 36 et seq. of col. 8, Bork et al disclose that in addition to using the position data, processor 218 may use the cellular network identification to determine the optimum alert sequence. Both of Bork et al position data (using GPS) and cellular network identification reads upon applicant's "user-specific location information."

Bork et al fail to disclose applicant's "schedule information" which is one of the inputs going into their alerting system. However, O'Neill et al do disclose in P.0076 a Personal Information Manager that keeps a calendar for the customer notifying him/her of appointments, meetings, deadlines, etc. To have incorporated O'Neill et al teaching of

using a calendar/scheduling information as part of the alerting/notifying means in Bork et al wireless device would have been obvious to a person having ordinary skill in the art because both Bork and O'Neill et al are disclosing different input means that are used to generate alerts in mobile devices, and the skilled artisan in the wireless arts, with these 2 references in front of her, would have found them readily combinable because of the fact that different inputs are being used to generate the alerts in Bork than in O'Neill, but common sense would show that the alerts of either reference could easily be used in the other reference.

Claims 1-7, & 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bork et al in view of Parupudi et al, U.S. Pat. #7,076,255.

Parupudi et al disclose in col. 22, lines 36-39, that the Outlook calendar is location aware. In col. 21, lines 62 et seq. Parupudi et al disclose that once location service module 602 has determined the device's location it can receive queries from applications 608, such as Outlook. In col. 22, lines 14 et seq. Parupudi et al disclose that Outlook application will query location service module 602 to ascertain the location because it may change the device settings based on the location of the computing device. Parupudi et al disclose that the computing device is a cell phone, col. 4, lines, 9-10. Therefore, Parupudi et al scheduling information, i.e. the Outlook calendar is stored in the cell phone/computing device. To have provided Parupuidi et al teaching of using scheduling information as a setting to change a mobile device's alerting system in Bork et al would have been obvious to a person having ordinary skill in the art, because both Bork et al and Parupudi et al are changing the alerting system of their mobile

phones based on a user's context; Bork @ col. 1, 21-23 and Parupudi et al in the Abstract.

For claim 2, Bork et al disclose in col. 2, line 7, that the mobile device will modify its behavior modification by generating either a tactile or visual sign. This meets applicant's limitation in claim 2 of a flashing display screen and a blinking LED. Parupudi et al disclose in their Abstract that the user context/location-aware information is used to modify the cell phone's behavior b turning the cell phone off (silent mode), changing the pitch (lowering and raising the volume), or placing the phone in vibrate mode.

For claim 4, Bork et al disclose in col. 2, lines 35 et seq. that one of the physical pieces of information is "passive audible sensing" which meets applicant's limitation of "ambient noise information." In lines 56 et seq. of col. 2, Bork et al disclose some other physical pieces of information that affect the alerting signal in the wireless device are: light, temperature, and motion sensing.

Any inquiry concerning this communication should be directed to CREIGHTON SMITH at telephone number (571)272-7546.

/CREIGHTON SMITH/ 20 APR '11
Primary Examiner, Art Unit 2614